

STATE OF NEVADA  
GOVERNMENT EMPLOYEE-MANAGEMENT  
RELATIONS BOARD

IN THE MATTER OF the Petition of:  
  
EXECUTIVE DEPARTMENT OF THE  
STATE OF NEVADA,  
  
Petitioner.

Case No.: 2026-010

**NOTICE OF ENTRY OF ORDER**  
**EN BANC**  
**ORDER NO. 916**

- TO: Petitioner EXECUTIVE DEPARTMENT OF THE STATE OF NEVADA and its attorneys, Aaron D. Ford, Attorney General, Josh Reid, Esq., Special Counsel – Labor Relations, Steven Sorensen, Deputy Attorney General, Matthew E. Estrada, Deputy Attorney General, and the Attorney General's Office;
- TO: Respondent NEVADA POLICE UNION and its attorneys, Alex Velto, Esq. and Reese Ring Velto, PLLC;
- TO: Respondent FRATERNAL ORDER OF POLICE C.O. LODGE 21 and its attorneys, Daniel Marks, Esq., Adam Levine, Esq. and the Law Office of Daniel Marks;
- TO: Respondent AMERICAN FEDERATION OF STATE, COUNTY & MUNICIPAL EMPLOYEES, LOCAL 4041, and its attorneys, Nathan Ring, Esq., Monique N. Rodriguez, Esq., and Reese Ring Velto, PLLC;
- TO: Respondent NEVADA PEACE OFFICERS ASSOCIATION and its representatives, Andrew Regenbaum, J.D.;
- TO: Respondent BATTLE BORN FIREFIGHTERS ASSOCIATION, IAFF LOCAL 3895, and its attorneys, Thomas J. Donaldson, Esq. and Messing Adam Jasmine & Shore, LLP.

PLEASE TAKE NOTICE that the **ORDER** was entered in the above-entitled matter on August 24, 2026.

A copy of said order is attached hereto.

DATED this 24th day of August 2026.

GOVERNMENT EMPLOYEE-MANAGEMENT  
RELATIONS BOARD

By: Kelly Valadez  
KELLY VALADEZ  
Executive Assistant

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Government Employee-Management Relations Board and that on the 24th day of August 2026, I served a copy of the foregoing **NOTICE OF ENTRY OF ORDER** by mailing a copy thereof, postage prepaid to:

Josh Reid, Esq.  
Steven Sorenseon, Esq.  
Matthew Estrada, Esq.  
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Nevada Police Union*

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*Attorneys for Fraternal Order of Police C.O.  
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*Attorneys for American Federation of State,  
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*Representatives for Nevada Peace Officers  
Association*

Thomas Donaldson, Esq.  
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*Attorneys for Battle Born Firefighters  
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Additionally, a copy of the foregoing was emailed to the following:

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KELLY VALADEZ  
Executive Assistant

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Case No.: 2026-010

**ORDER**

**EN BANC**

**ITEM NO. 916**

On August 4, 2026, this matter came before the State of Nevada, Government Employee-Management-Relations Board ("Board") for consideration and decision pursuant to the provisions of the Employee-Management Relations Act (NRS Chapter 288), NRS Chapter 233B, and NAC Chapter 288. At issue was the Executive Department of the State of Nevada's Petition for Declaratory Order ("Petition"), filed on May 19, 2026.

The Board considered the Petition and the following filed documents when deciding the Petition:

- (1) Nevada Police Union's Response to Petition for Declaratory Relief, filed June 26, 2026;
- (2) Fraternal Order of Police C.O. Lodge 21's Response to Petition for Declaratory Relief, filed June 26, 2026;
- (3) American Federation of State, County & Municipal Employees, Local 4041's Response to Petition for Declaratory Order, filed June 26, 2026;
- (4) Nevada Peace Officers Association's Response to Petition for Declaratory Relief, filed June 26, 2026;
- (5) Battle Born Firefighters Association, IAFF Local 3895's Joinder to Responses to State's Petition for Declaratory Order, filed June 26, 2026; and
- (6) Executive Department's Reply in Support of Its Petition for Declaratory Order, filed July 20, 2026.

No oral argument was presented, as the Petitioner did not request a hearing pursuant to NAC 288.400.

I.

FINDINGS OF FACT

1. Petitioner, the Executive Department of the State of Nevada, seeks a declaratory order stating that:

- (a) The provisions found in NRS 288.505(1)(c), NRS 288.505(5)(c) and the required nonappropriation clause in a collective bargaining agreement (CBA) nullify a State bargaining unit's right to receive a compensation or benefit term in a CBA if the appropriations request for that compensation or benefit term was not approved or authorized by an act of the Nevada Legislature;
- (b) Pursuant to Section 1.10 of AB 596, Chapter 510, 2025 Statutes of Nevada, NRS 288.505(1)(c), NRS 288.505(5)(c), and the required nonappropriation clause in a CBA, except for those CBA provisions for which the 83rd Session (2025) of the Nevada Legislature specifically appropriated or authorized the expenditure of money in AB 596 or another act of the 83rd Session that was approved by the Governor, any provision of a CBA for the 2025-2027 biennium that required the Nevada Legislature to appropriate money is void and should no longer be considered part of a CBA; and
- (c) Pursuant to Section 1.11 of AB 596, Chapter 510, 2025 Statutes of Nevada, the compensation and benefit terms in CBAs for the 2025-2027 biennium that received appropriations from the Nevada Legislature through AB 596, excepting the one-percent per fiscal year salary increases provided in Section 1.12, are not binding on the Executive Department for future CBAs because they were one-time grants of money that shall not be construed as an agreement by the Legislature or the State of Nevada to provide or fund such incentives or other benefits in any future biennium or to include in any future CBA the same or similar provisions to the provisions funded by AB 596.

2. Petitioner attached as Exhibit 1 to the Petition the nonappropriation clauses of each current collective bargaining agreement entered into by the State and State government employee unions. Each clause generally states that any contract provision requiring the expenditure of State funds shall be contingent upon appropriation of funds by the State Legislature, and this term is required by NRS 288.505(1)(c). However, the Board notes the remaining language of each clause differs significantly in substance between various collective bargaining agreements. For example, not all clauses address the scenario of partial appropriations (i.e., when the Legislature appropriates less funding than the amount contemplated by the collective bargaining agreement's provisions). When this scenario is addressed, some clauses reopen negotiations, whereas others are silent. Additionally, some clauses prohibit the reopening of negotiations, but only for nonappropriation (i.e., distinct from partial appropriation).

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1 II.

2 CONCLUSIONS OF LAW

3 1. NRS 288.110(2) limits the Board's jurisdiction to hearing and determining "any complaint  
4 arising out of the interpretation of, or performance under, the provisions of [NRS Chapter 288] by the  
5 Executive Department, any local government employer, any employee, as defined in NRS 288.425, any  
6 local government employee, any employee organization or any labor organization." The Board's  
7 jurisdiction does not extend to deciding the constitutionality of enacted law.

8 2. NRS 233B.120 requires agencies provide regulations for petitions for declaratory orders  
9 and advisory opinions "as to the applicability of any statutory provision, agency regulation or decision  
10 of the agency." The statute does not include petitions regarding the applicability of State or federal  
11 constitutional provisions.

12 3. "Any recognized employee organization or labor organization or government employer  
13 may petition to Board for a declaratory order regarding the applicability or interpretation of any statutory  
14 provision or of any regulation or decision of the Board." NAC 288.380. This regulation does not authorize  
15 petitions regarding the applicability of State or federal constitutional provisions.

16 4. The Board may, for good cause, refuse to issue a declaratory order if the matter is not  
17 within the Board's jurisdiction. NAC 288.410(d).

18 5. Petitioner asks the Board to issue a declaratory order finding the provisions of a collective  
19 bargaining agreement void where the Legislature fails to appropriate funds necessary for those  
20 provisions. To issue such a declaratory order, the Board must determine whether it is lawful for the  
21 Legislature to effectively alter the negotiated terms of a contract entered into by the State and government  
22 employee unions. While the application of NRS Chapter 288 is relevant to the inquiry, the Board finds  
23 the crux of the petition is the constitutionality of AB 596, Chapter 510, 2025 Statutes of Nevada—  
24 specifically, whether AB 596 violates the Contract Clause of either the Nevada Constitution (Art. I, § 15)  
25 or U.S. Constitution (Art. I, § 10).

26 6. Pursuant to NAC 288.410(d), the Board declines issuance of a declaratory order, finding  
27 the matter is not within the Board's jurisdiction. The Board is an administrative agency limited to powers  
28 conferred by its enabling statute, NRS Chapter 288. NRS 288.110 limits the Board's jurisdiction and

1 does not authorize the Board to decide on the constitutionality of enacted law.

2 7. Additionally, to the extent Petitioner seeks a declaratory order that does not require the  
3 Board's decision on the constitutionality of AB 596, the Board refuses pursuant to NAC 288.410(1)(a),  
4 finding that the questions presented are both speculative and hypothetical. Determining the extent to  
5 which a collective bargaining agreement's compensation or benefit terms are nullified, if at all, upon the  
6 Legislature's nonappropriation of necessary funds is dependent on the interpretation of the relevant  
7 collective bargaining agreement and its provisions. As demonstrated by the nonappropriation clauses  
8 provided as Exhibit 1 to the Petition, the contracts vary significantly as likely do the parties'  
9 interpretations. The combination of the specific parties, the contract terms, and the parties' interpretation  
10 are unique to each collective bargaining agreement; therefore, answering the speculative and hypothetical  
11 questions posed by the Petition would achieve little to inform the actual controversies that may arise.

12 III.

13 ORDER

14 Accordingly, IT IS HEREBY ORDERED the Petition is DENIED.

15 Dated this 24th day of August 2026.

16 GOVERNMENT EMPLOYEE-  
17 MANAGEMENT RELATIONS BOARD

18 By:   
BRENT C. ECKERSLEY, ESQ., Chair

19  
20 By:   
MICHAEL A. URBAN, ESQ., Vice-Chair

21  
22 By:   
MICHAEL J. SMITH, Board Member

23  
24 By:   
BRUCE K. SNYDER, ESQ., Board Member

25  
26 By:   
JERRY KEATING, Board Member